

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**UNITED STATES OF AMERICA**

**vs.**

**CASE NO. 97CR00009-005(CCC)**

**YOUANNY HERNANDEZ-SEVERINO**

\*\*\*\*\*

**MOTION FOR SHOW CAUSE HEARING AND REQUEST  
FOR A WARRANT TO BE LODGED AS A DETAINER**

**TO THE HONORABLE CARMEN CONSUELO CEREZO  
U.S. DISTRICT JUDGE  
DISTRICT OF PUERTO RICO**

**COMES NOW, MIRIAM FIGUEROA, U.S. PROBATION OFFICER** of this Court, respectfully presenting an official report on the conduct and attitude of the offender Youanny Hernández-Severino, who on December 12, 1997, was sentenced at the District of Puerto Rico to an imprisonment term of one hundred and eight (108) months followed by a supervised release term of five (5) years for violating Title 46, U.S. Code, § 1903 (a)(b) (1) and (f) and Title 18, U.S. Code § 2. Besides the standard conditions of supervised release, Mr. Hernández-Severino was ordered if removed from the United States by USINS, to remain outside the United States and all places subject to its jurisdiction. If allowed to remain in the United States, he will refrain from any unlawful use of controlled substances and will submit to urine testing. A special assessment in the amount of \$100 was also imposed. On December 3, 2004, offender was released on a detainer to USINS. On December 15, 2004, Mr. Hernández-Severino was ordered deported to the Dominican Republic and was formally removed from the United States on January 12, 2005. However, he illegally re-entered the United States on November 19, 2006, at which time he was arrested. As such, offender's five (5) year supervised release term has been tolled pursuant to 18 USC § 3624(e).

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS FOLLOWS:**

Since placed on supervision, the offender has violated the following condition of his supervised release term:

**1. STANDARD CONDITION - “YOU SHALL NOT COMMIT ANY CRIMES, FEDERAL, STATE, OR LOCAL, AND SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE PROMULGATED BY THE UNITED STATES SENTENCING COMMISSION AND ADOPTED BY THIS COURT.”**

On November 19, 2006, the offender was arrested by the U.S. Coast Guard agents for violating Title 8, U.S. Code § 1326(a) and (b)(2), Criminal Case No. 06-380-01, that is re-entry after deportation subsequent to a conviction for the commission of an aggravated felony. On May 21, 2007, he was sentenced by the District of Puerto Rico to an imprisonment term of thirty-three (33) months followed by a supervised release term of three (3) years. Offender is presently serving time at the McRae Correctional Facility located in McRae, Georgia.

**WHEREFORE**, in lieu of the aforementioned, we respectfully request, unless ruled otherwise, that the Court issue a warrant, to be lodged as a detainer, for the offender’s arrest, so that he may be brought before this Honorable Court to show cause why his supervised release term should not be revoked. Thereupon, that he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 12<sup>th</sup> day of June 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF  
U.S. PROBATION OFFICER

s/Miriam Figueroa  
Miriam Figueroa  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that on June 12, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Dina Avila-Jimenez, Assistant U.S. Attorney and Joseph C. Laws, Federal Public Defender.

In San Juan, Puerto Rico, this 12<sup>th</sup> day of June 2008.

s/Miriam Figueroa  
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